

MEMORANDUM

February 8, 1973

12

TO: BOSTON REDEVELOPMENT AUTHORITY
FROM: Robert T. Kenney, Director
SUBJECT: BOARD OF APPEAL REFERRALS

Hearing Date: 2/13/73

Petitions Nos. Z-2678-2679
Anna V. Palby
928-930 East Broadway
South Boston

Petitioner seeks a conditional use and three variances to subdivide land and for a change of occupancy from a two-family dwelling to a lodging house at #928, and a conditional use and three variances for a change of occupancy from a two-family dwelling to a three-family dwelling at #930 in a residential (R-.8) district. The proposal violates the code as follows:

<u>928 East Broadway</u>	<u>Req'd</u>	<u>Proposed</u>
Section 8-7. A lodging house is conditional in an R-.8 district.		
Section 14-2. Lot area for additional dwelling unit is insufficient.	1500 sf/du	1128 sf/du
Section 20-1. Rear yard is insufficient.	40 ft.	0
Section 23-1. Off street parking is insufficient.	5 spaces	0

930 East Broadway

Section 8-7. Any dwelling converted for more families which meets one half the requirements of lot area, open space and off-street parking is conditional in an R-.8 district.		
Section 14-3. Lot width is insufficient.	50 ft.	41 ft.
Section 19-1. Side yard is insufficient.	10 ft.	3 ft.
Section 20-1. Rear yard is insufficient.	40 ft.	1 ft.

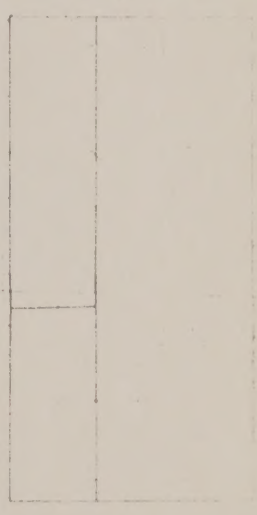
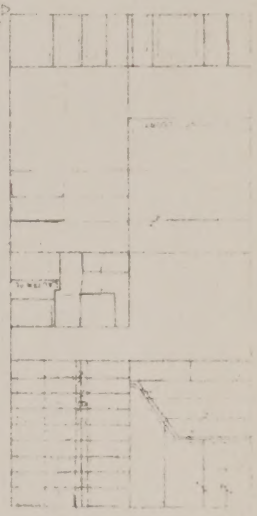
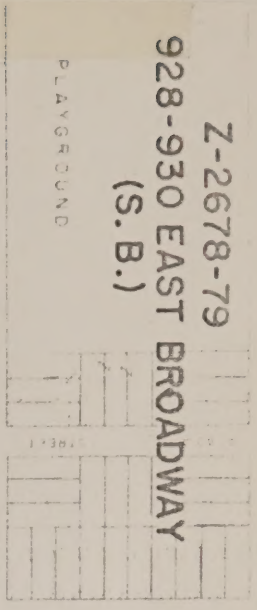
The property, located on East Broadway at the intersection of P Street, contains two frame structures. The legal occupancy of the three-story structure (#928) is two apartments and six lodgers. This was inadvertently overlooked by the Building Department at the time of initial application for conversion. This occupancy is sufficient. The proposed facility for 15 lodgers would have a detrimental effect on this residential neighborhood. The small two story frame structure (#930) with two apartments is appropriate and would be overcrowded if increased to three apartments. Recommend denial of any increase in legal occupancies.

Petitions Nos. Z-2678-2679
Cont.

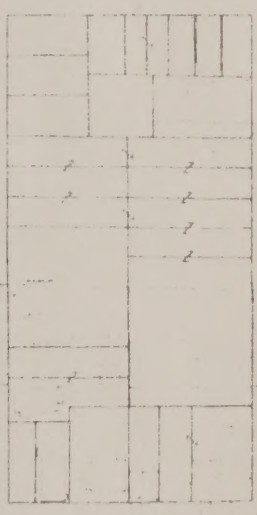
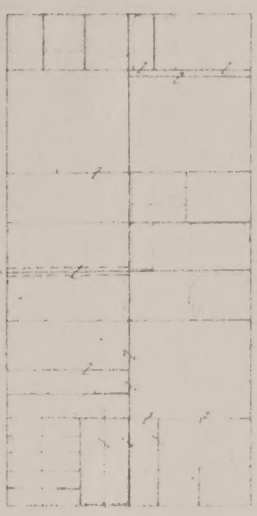
VOTED: That in connection with Petitions Nos. Z-2678-2679, brought by Anna V. Palby, 928-930 East Broadway, South Boston, for two conditional uses and six variances for a change of occupancy from a two-family dwelling to a lodging house and from a two-family dwelling to a three family dwelling in a residential (R-.8) district, the Boston Redevelopment Authority recommends denial of any increase in legal occupancies. The legal occupancy of the three story structure at #928 is two apartments and six lodgers (DOC #100/1963). This was inadvertently overlooked by the Building Department at the time of initial application for conversion. This occupancy is sufficient. The proposed facility for 15 lodgers would have a detrimental effect on this residential neighborhood. The small two story structure at #930 would be overcrowded if density were increased to three apartments.

Z-2678-79
928-930 EAST BROADWAY
(S. B.)

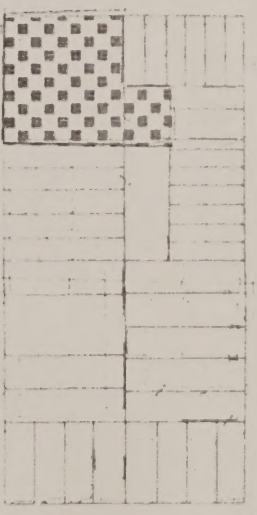
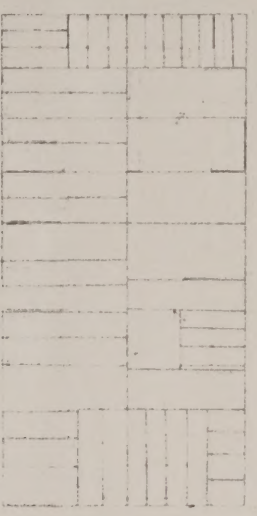
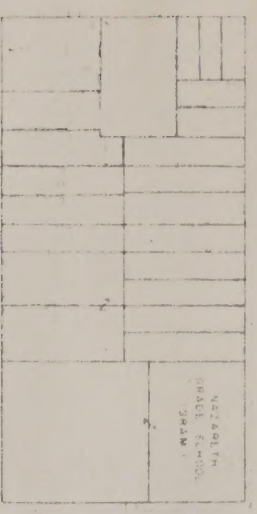
PLAYGROUND



FARMSIDE

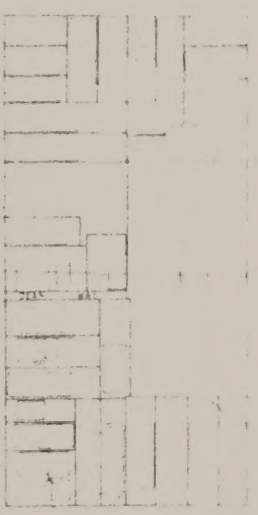
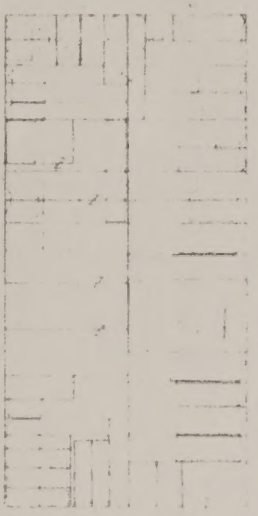
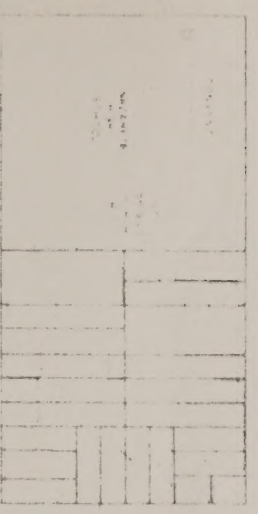


STREET



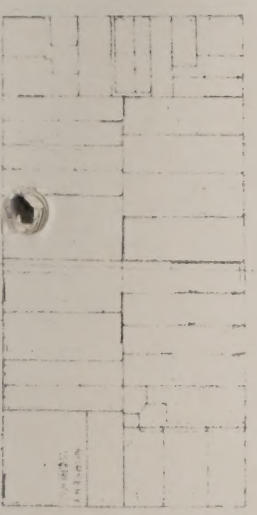
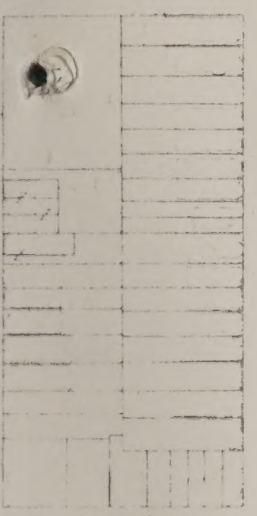
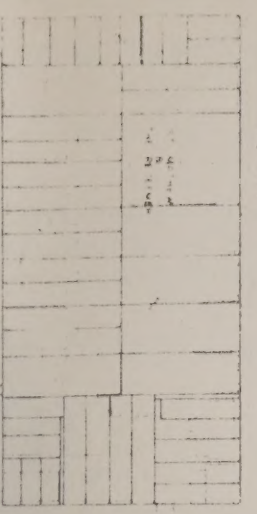
EAST

PO. A. M.



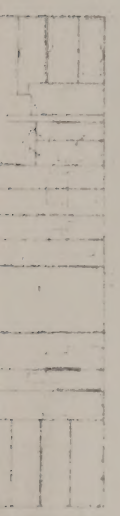
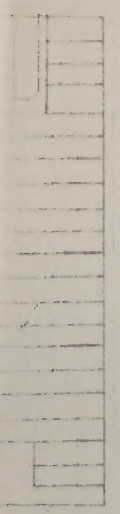
FOURTH

STREET



FIFTH

STREET



EAST

MARINE

Board of Appeal Referrals 2/8/73

Hearing Date: 2/27/73

Petitions Nos. Z-2680-2685
William Figler & Samuel Oxman
60-62-66-70-72-76 Empire Street
Brighton

Petitioner seeks 32 variances to subdivide land and buildings into six separate lots and buildings in a residential (R-.8) district. The proposal violates the code as follows:

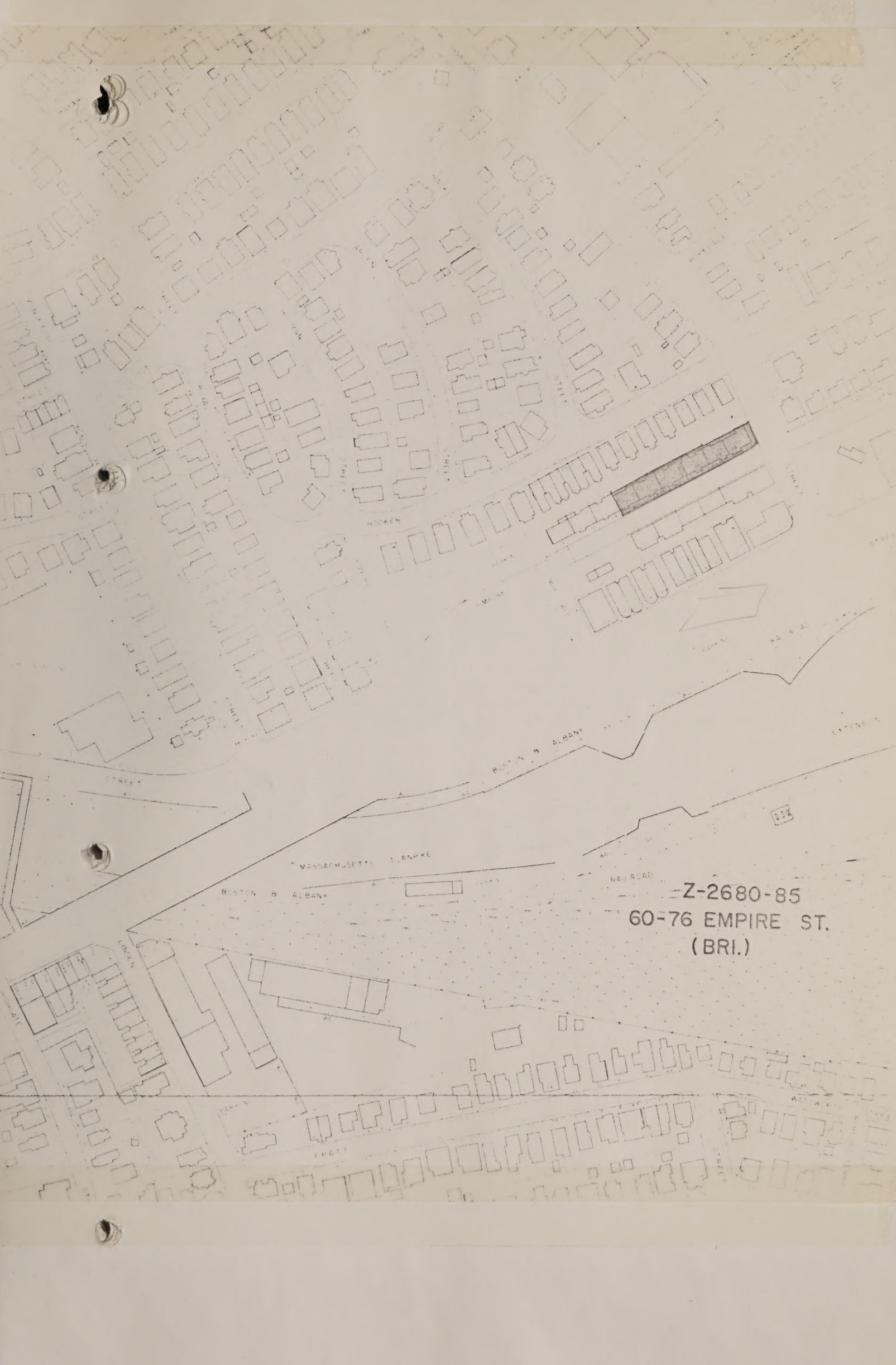
<u>60-62-70-72 Empire Street</u>		<u>Req'd</u>	<u>Proposed</u>
Section 14-1.	Lot area is insufficient.	5000 sf	2264 (60) 2308 (62) 2280 (70) 2268 (72)
Section 14-2.	Lot area for additional dwelling unit is insufficient.	1500 sf/du	0
Section 14-3.	Lot width is insufficient.	50 ft.	44 ft. (60) 45 ft. (62-70-72)
Section 14-4.	Street frontage is insufficient.	50 ft.	44 ft. (60) 45 ft. (62-70-72)
Section 15-1.	Floor area ratio is excessive.	0.8	1.6
Section 17-1.	Open space is insufficient.	800 sf/du	300 sf/du
Section 19-1.	Side yard is insufficient.	10 ft.	0

66 & 76 Empire Street

Section 14-1.	Lot area is insufficient.	5000 sf	2837 (66) 3148 (76)
Section 14-2.	Lot area for additional dwelling unit is insufficient.	1500 sf/du	0

The property, located on Empire Street near the intersection of Cambridge Street, contains six row dwellings. Petitioner indicates the proposed subdivision would permit individual financing, sale and management of the structures. The staff is of the opinion that the present three family occupancy should be retained and not increased. Recommend approval with proviso.

VOTED: That in connection with Petitions Nos. Z-2680-2685, brought by William Figler & Samuel Oxman, 60-76 Empire Street, Brighton, for 32 variances to subdivide land and buildings into six separate lots and buildings in a residential (R-.8) district, the Boston Redevelopment Authority recommends approval with the provision that the present three family occupancy of each structure be retained and not increased.



Z-2680-85
60-76 EMPIRE ST.
(BRI.)

Board of Appeal Referrals 2/8/73

Hearing Date: 2/13/73

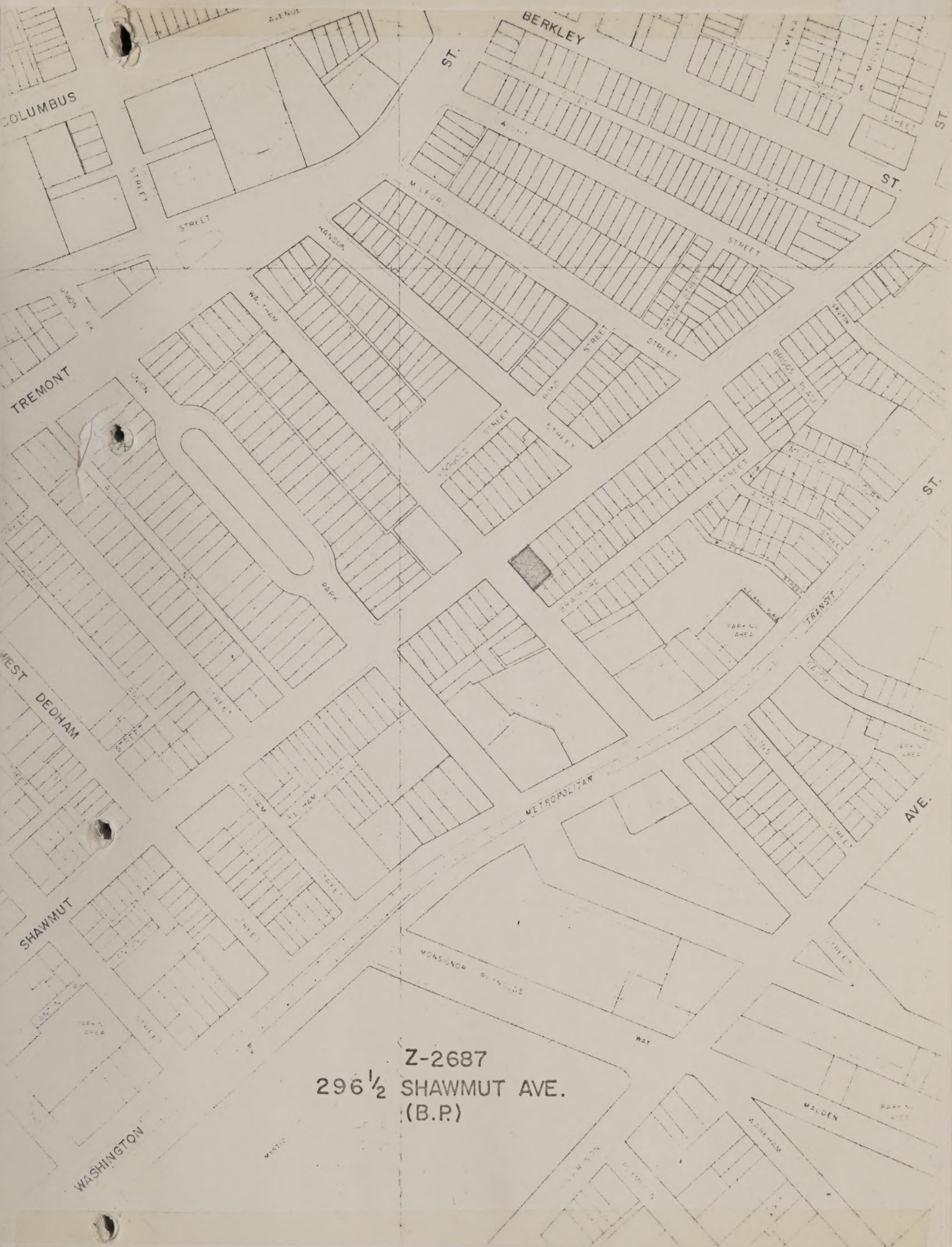
Petition No. Z-2687
Charles J. Matta
296 ½ Shawmut Avenue
Boston

Petitioner seeks a change in a non-conforming use, a forbidden use and a variance for a change of occupancy from printers and a clubroom to a restaurant, hall and garment manufacturing in an apartment (H-2) district. The proposal violates the code as follows:

	<u>Req'd</u>	<u>Proposed</u>
Section 8-7. Manufacture of garments is forbidden in an H-2 district.		
Section 9-2. A change in a non-conforming use requires a Board of Appeal hearing.		
Section 23-2. Off-street parking is insufficient.	28 spaces	0

The property, located on Shawmut Avenue at the intersection of Waltham Street in the South End Urban Renewal area, contains a two story masonry structure. The restaurant has been in existence for several years. Proposal includes remodeling of first and second story restaurant and hall; seating capacity will be 223. Garment sewing operation, also existing, would be confined to basement area. Following provisos are recommended: that the land owned by the petitioner located at the rear of the structure be utilized for the required off-street parking; that all plans be submitted to the Authority for design review. Recommend approval with provisos.

VOTED: That in connection with Petition No. Z-2687, brought by Charles J. Matta, 296 ½ Shawmut Avenue in the South End Urban Renewal area, for a change in a non-conforming use, a forbidden use and a variance for a change of occupancy from printers and a clubroom to a restaurant, hall and garment manufacturing in an apartment (H-2) district, the Boston Redevelopment Authority recommends approval provided that the land owned by the petitioner located at the rear of the structure be utilized for the required off-street parking and that all plans be submitted to the Authority for design review.



Z-2687
296 1/2 SHAWMUT AVE.
(B.P.)

Board of Appeal Referrals 2/8/73

Hearing Date: 2/20/73

Petition No. Z-2690
Clifford Martell, Jr.
267 Park Street, West Roxbury

Petitioner seeks a forbidden use and seven variances for a change of occupancy from a one-family dwelling to a two-family dwelling in a single family (S-.5) district. The proposal violates the code as follows:

		<u>Req'd</u>	<u>Proposed</u>
Section 8-7.	A two-family dwelling is forbidden in an S-.5 district.		
Section 14-1.	Lot area is insufficient.	6000 sf	5800 sf
Section 14-2.	Lot area for additional dwelling unit is insufficient.	4000 sf/du	0
Section 14-3.	Lot width is insufficient.	60 ft.	58 ft.
Section 14-4.	Street frontage is insufficient.	60 ft.	58 ft.
Section 18-1.	Front yard is insufficient.	30 ft.	17 ft.
Section 19-1.	Side yard is insufficient.	12 ft.	11 ft.
Section 20-1.	Rear yard is insufficient.	50 ft.	25 ft.

The property, located on Park Street at the intersection of Oriole Street, contains a two-story frame structure with two entrances. The proposed density would be consistent with other residences in the surrounding neighborhood and would not adversely affect abutting properties. Entrances are located on Park and Oriole Streets.
Recommend approval.

VOTED: That in connection with Petition No. Z-2690, brought by Clifford Martell, Jr., 267 Park Street, West Roxbury, for a forbidden use and seven variances for a change of occupancy from a one family dwelling to a two family dwelling in a single family (S-.5) district, the Boston Redevelopment Authority recommends approval. The proposed density would be consistent with other residences in the surrounding neighborhood and would not adversely affect abutting properties.



Z-2690
267 PARK ST.
(W.R.)

Board of Appeal Referrals 2/8/73

Hearing Date: 2/20/73

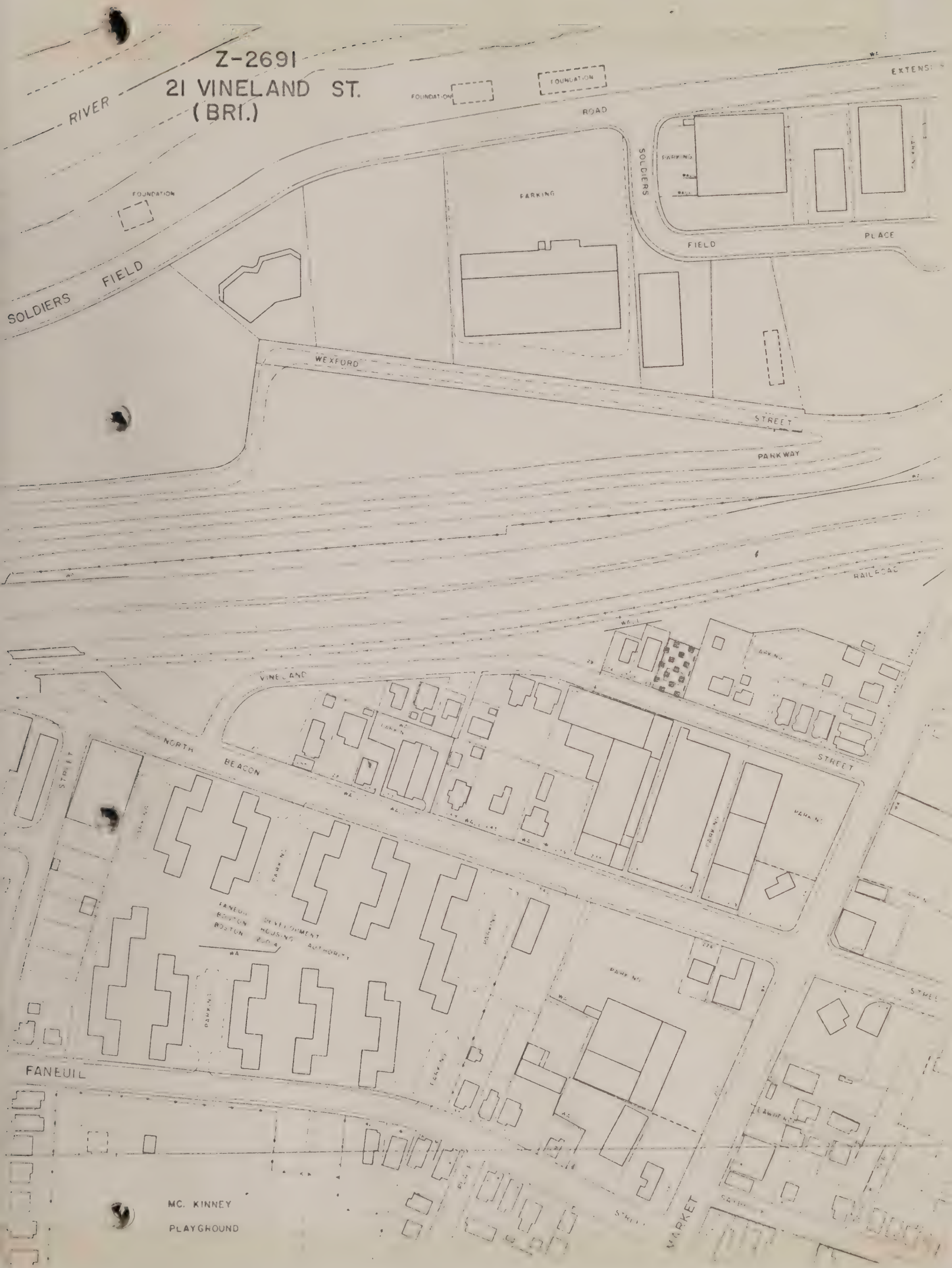
Petition No. Z-2691
Boston Lock and Safe Co., Inc.
21 Vineland Street, Brighton

Petitioner seeks a variance to erect a one story masonry structure in a light manufacturing (M-1) district. The proposal violates the code as follows:

	<u>Req'd</u>	<u>Proposed</u>
Section 20-1. Rear yard is insufficient.	20 ft.	10 ft.

The property, located on Vineland Street near the intersection of North Beacon Street, contains a two story dwelling which would be demolished. The neighborhood is residential-manufacturing. The proposed one story structure would be utilized for the manufacture, sale and storage of safes, locks and related products and also for a business garage. The site is adjacent to an existing row of one and two family dwellings. The proposed facility is planned to be constructed to the side yard lines of abutting dwellings. In order to reduce the adverse effect on the residential abutters, it is recommended that suitable screening and a minimum set back of 10 feet be provided on each side yard line. Recommend approval with provisos.

VOTED: That in connection with Petition No. Z-2691, brought by Boston Lock and Safe Co., Inc., 21 Vineland Street, Brighton, for a variance to erect a one story manufacturing structure in a light manufacturing (M-1) district, the Boston Redevelopment Authority recommends approval provided that minimum set back of 10 feet on each side yard line and suitable screening be provided.



Z-2691

21 VINELAND ST.
(BRI.)

RIVER

FOUNDATION

FOUNDATION

EXTENSION

ROAD

SOLDIERS

PARKING

FIELD

PLACE

FIELD

WEXFORD

STREET

PARKWAY

RAILROAD

VINELAND

NORTH

BEACON

STREET

FANEUIL
BOSTON
HOUSING
AUTHORITY
2004

FANEUIL

MC. KINNEY
PLAYGROUND

MARKET

Board of Appeal Referrals 2/8/73

Hearing Date: 2/20/73

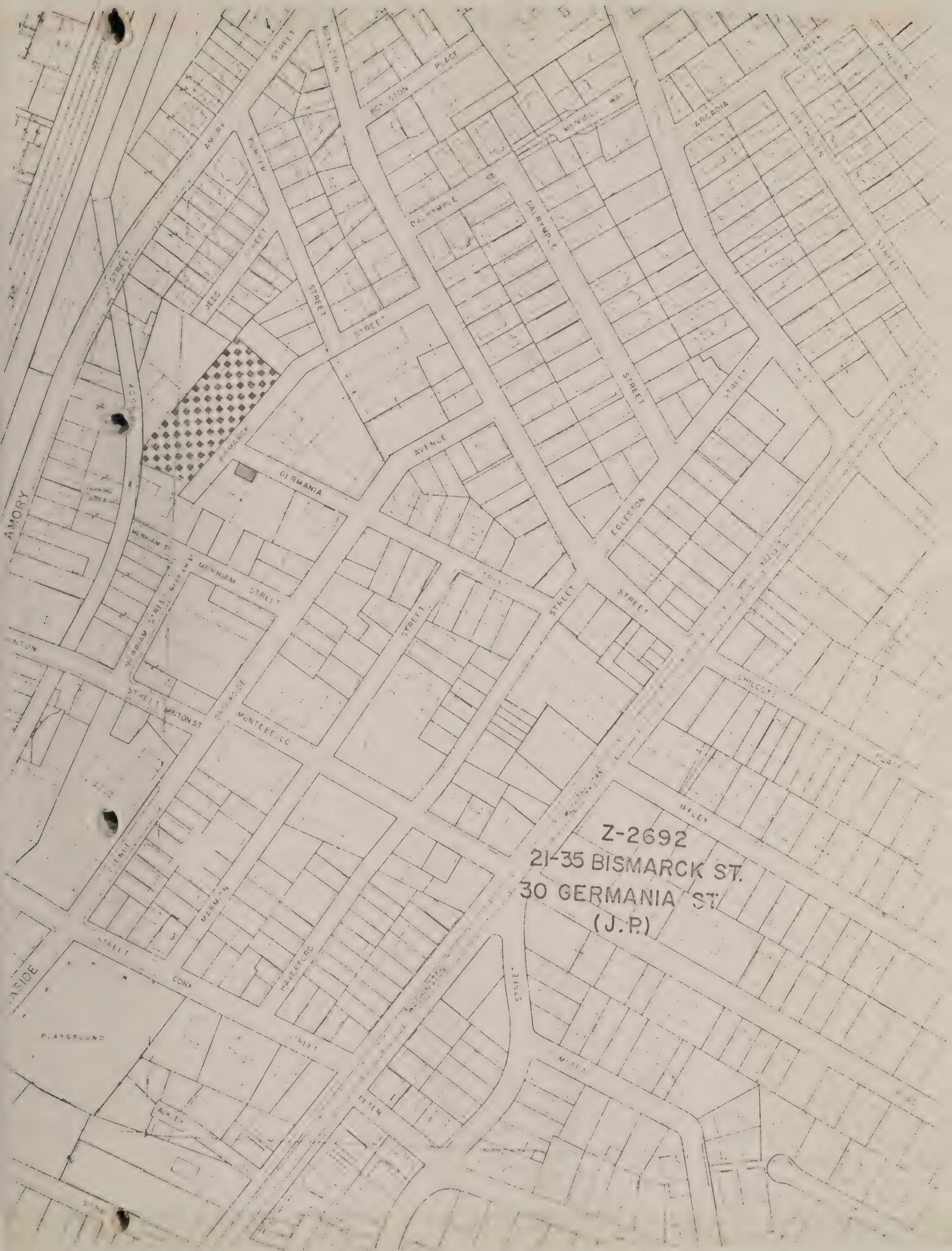
Petition No. Z-2692
Clark Moving Company
Allstate Gasses (Lessee)
21-35 Bismark & 30 Germania Streets
Jamaica Plain

Petitioner seeks a forbidden use for a change of occupancy from a brewery to gas storage and general merchandise storage in a light manufacturing (M-2) district. The proposal violates the code as follows:

Section 8-7. Storage of more than 10,000 cubic feet of gas is forbidden in an M-2 district.

The property, located at the intersection of Bismark and Germania Streets, contains a three story masonry structure. Petitioner proposes to store 215,350 cubic feet of flammables in cylinder containers. The code allows 10,000 cubic feet or less of gases provisionally in a manufacturing district. The site is proximate to a residential neighborhood. Recommend denial.

VOTED: That in connection with Petition No. Z-2692, brought by Clark Moving Company and Allstate Gasses (Lessee), 21-35 Bismark and 30 Germania Streets, Jamaica Plain, for a change of occupancy from a brewery to gas storage and general merchandise storage in a light manufacturing (M-2) district, the Boston Redevelopment Authority recommends denial. Proposed storage of flammable gases is excessive; code allows 10,000 cubic feet provisionally in a manufacturing district. The site is proximate to a residential neighborhood.



Board of Appeal Referrals 2/8/73

Hearing Date: 2/27/73

Petition No. Z-2693

Mary Cooper

664 Columbia Road

Dorchester

Petitioner seeks two variances to legalize occupancy as a lodging house in an apartment (H-1) district. The proposal violates the code as follows:

	<u>Req'd</u>	<u>Proposed</u>
Section 14-2. Lot area for additional dwelling unit is insufficient.	1000 sf/du	0
Section 23-1. Off street parking is insufficient.	4 spaces	0

The property, located on Columbia Road at the intersection of Eastman Street, contains a three story masonry structure. The facility, which provides accommodations for nine lodgers, has been utilized as a lodging house for many years. The staff recommends that the use be in the name of and extend to the use of appellant only and that the permit expire upon sale, lease or other disposition of the property. Recommend approval with provisos.

VOTED: That in connection with Petition No. Z-2693, brought by Mary Cooper, 664 Columbia Road, Dorchester, for two variances to legalize the occupancy as a lodging house in an apartment (H-1) district, the Boston Re-development Authority recommends approval provided that the use be in the name of and extend to the use of appellant only and that the permit expire upon sale, lease or other disposition of the property.

Z-2693
664 COLUMBIA RD.
(DOR.)



Board of Appeal Referrals 2/8/73

Hearing Date: 2/20/73

Petition No. Z-2694
George Missel
130 Jersey Street
Boston

Petitioner seeks a change in a non-conforming use and two forbidden uses for a change of occupancy from two stores to one store and art gallery with auxiliary ice cream bar in an apartment (H-2) district. The proposal violates the code as follows:

Section 8-7. An art gallery is forbidden in an H-2 district.
Section 8-7. An ice cream bar is forbidden in an H-2 district.

The property, located on Jersey Street near the intersection of Park Drive, contains a one story masonry structure. There is no objection provided that the premises be kept clean, that waste receptacles are supplied and that any sign conform with the requirements of the code. Recommend approval with provisos.

VOTED: That in connection with Petition No. Z-2694, brought by George Missel, 130 Jersey Street, Boston, for a change in a non-conforming use and two forbidden uses for a change of occupancy from two stores to a store and art gallery with ice cream bar in an apartment (H-2) district, the Boston Redevelopment Authority recommends approval provided that the premises be kept clean, that waste receptacles be supplied and that any sign comply with the requirements of the code.

Z-2694
130 JERSEY ST.
(B.P.)

ROCKLINE

AVE.

FENWAY PARK

STREET

ST

DRIVE

Board of Appeal Referrals 2/8/73

Hearing Date: 3/7/73

Petition No. Z-2695
Thomas L. Hewitt
1-3 Centre Street & 52-54 Eliot
Square, Roxbury

Petitioner seeks a conditional use for a change of occupancy from a store to retail sale and service of automotive tires and accessory office in a local business (L-1) district. The proposal violates the code as follows:

Section 8-7. Sales and installation of auto tires within a building is conditional in a local business (L-1) district.

The property, located on Centre Street at Eliot Square in the Model Cities area, contains a one-story frame structure. The site abuts the Kittredge Square project. Proposed conversion would set a precedent for future uses in a potentially good residential area.
Recommend denial.

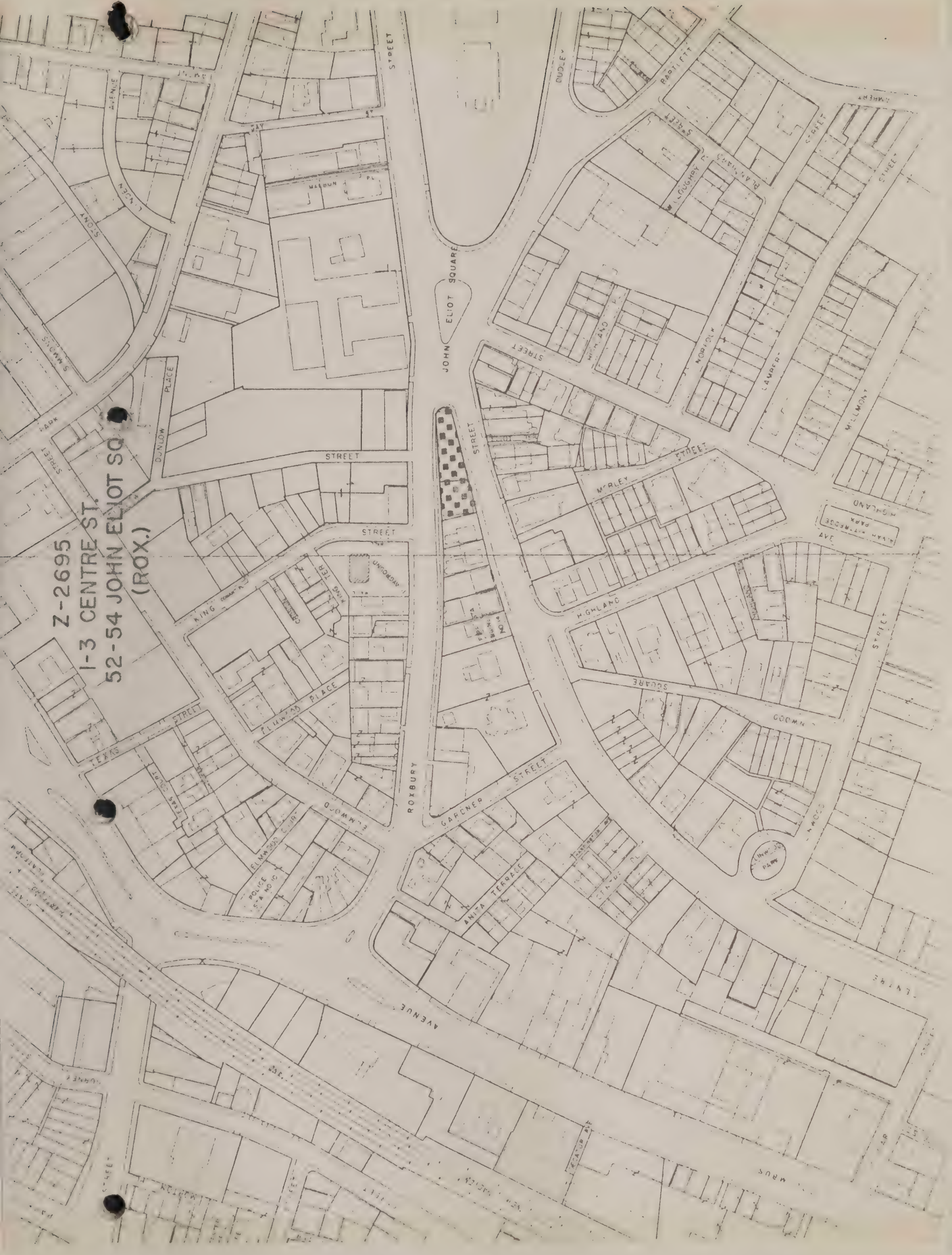
VOTED: That in connection with Petition No. Z-2695, brought by Thomas L. Hewitt, 1-3 Centre Street and 52-54 Eliot Square, Roxbury, in the Model Cities area, for a conditional use for a change of occupancy from a store to retail sale and service of automotive tires and accessory office in a local business (L-1) district, the Boston Redevelopment Authority recommends denial. The site abuts the Kittredge Square project. Proposed conversion would set a precedent for future uses in a potentially good residential area.

Z-2695

1-3 CENTRE ST.

52-54 JOHN ELIOT SQ.

(ROX.)



Board of Appeal Referrals 2/8/73

Hearing Date: 3/13/73

Petition No. Z-2696
Burbank Apartments, Co
M. R. Kargman
16-22 Haviland Street
Boston

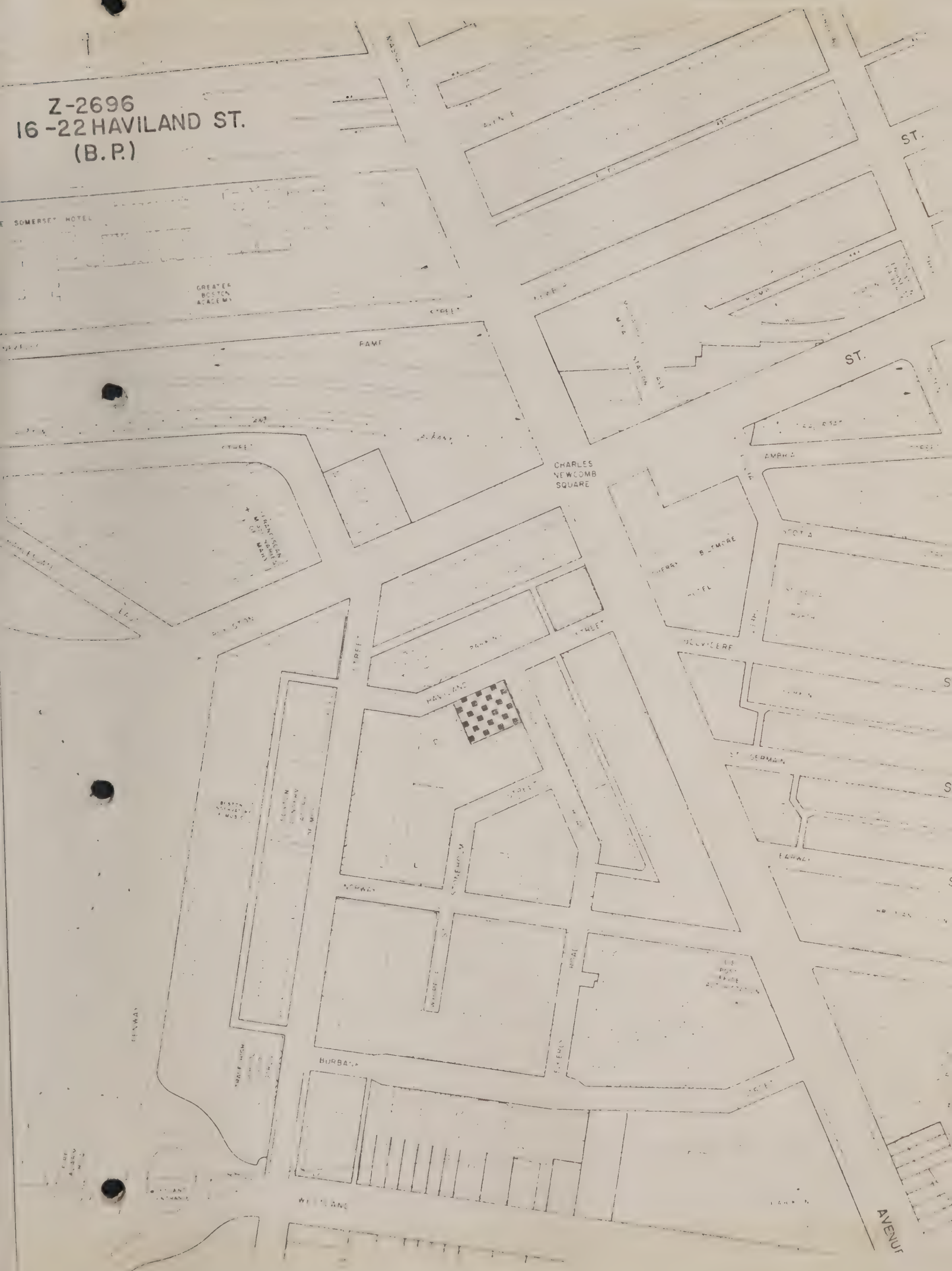
Petitioner seeks a conditional use for a change of occupancy from 53 apartments and three stores to 53 apartments, day care center, doctor's office and maintenance office in an apartment (H-3) district. The proposal violates the code as follows:

Section 8-7. A doctor's office is forbidden in an H-3 district.

The property, located on Haviland Street at the intersection of Edgerly Road in the Fenway Urban Renewal area, contains a six story masonry structure. The facility, located at street level, would provide medical assistance primarily for the low income and elderly residents of the community. Ten children would be accommodated by the proposed day care center. Recommend approval.

VOTED: That in connection with Petition No. Z-2696, brought by Burbank Apartments, Co., M. R. Kargman, 16-22 Haviland Street in the Fenway Urban Renewal area, for a conditional use for a change of occupancy from 53 apartments and three stores to 53 apartments, day care center, doctor's office and maintenance office in an apartment (H-3) district, the Boston Redevelopment Authority recommends approval. The medical facility complies with conditional use requirements. The services are essential and much needed in the community.

Z-2696
16-22 HAVILAND ST.
(B.P.)



Board of Appeal Referrals 2/8/73

Hearing Date: 2/13/73

Petition No. Z-2703

John King

16 Thor Terrace, Brighton

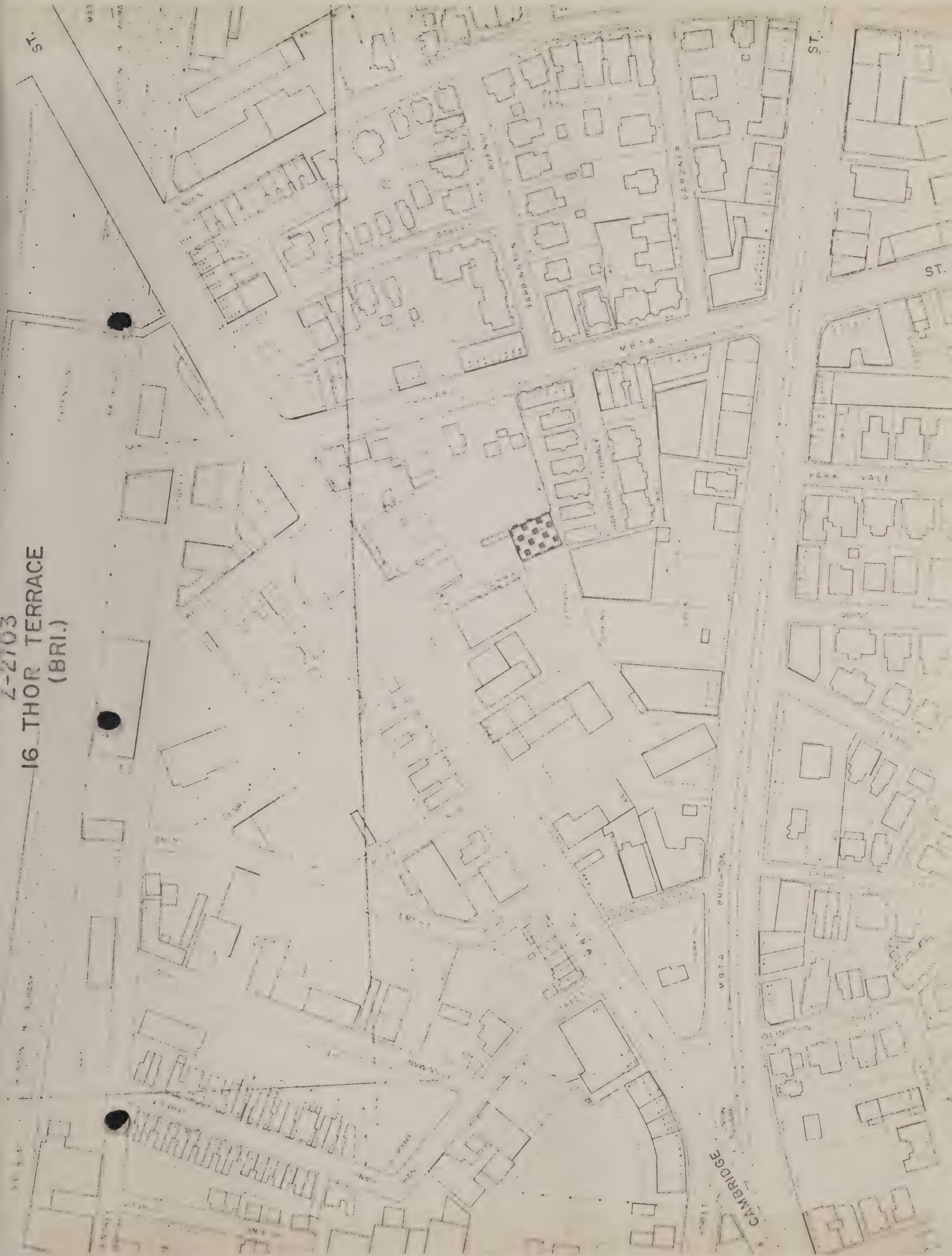
Petitioner seeks a conditional use for a change of occupancy from retail sale of automotive accessories to retail sale of automotive accessories and repair shop garage in a general business (B-1) district. The proposal violates the code as follows:

Section 8-7. A repair shop garage is conditional in a B-1 district.

The property, located on Thor Terrace near the intersection of Cambridge Street, contains a one story masonry structure. The site, at the end of a private way, has no front yard, maneuvering or vehicle storage area. Proposal would tend to compound acute traffic conditions in an area congested with heavy commercial vehicles. Other automotive repair uses exist in the immediate neighborhood. Recommend denial.

VOTED: That in connection with Petition No. Z-2703, brought by John King, 16 Thor Terrace, Brighton, for a conditional use for a change of occupancy from retail sale of automotive accessories to retail sale of automotive accessories and repair shop garage in a general business (B-1) district, the Boston Redevelopment Authority recommends denial. The site, at the end of a private way, has no front yard, maneuvering or vehicle storage area. Proposal would tend to compound acute traffic conditions in an area congested with heavy commercial traffic. Other automotive repair uses exist in the immediate neighborhood.

Z-2103
16 THOR TERRACE
(BRI.)



Board of Appeal Referrals 2/8/73

Hearing Date: 2/20/73

Petition No. Z-2709
Lebow Realty Trust
McDonald's Corporation (Lessee)
58-60 Summer Street, Boston

Petitioner seeks a conditional use to increase the seating capacity of a restaurant in a general business (B-10) district. The proposal violates the code as follows:

Section 8-6. A change in a conditional use requires a Board of Appeal hearing.

The property, located on Summer Street between Arch and Otis Streets, contains a four story masonry structure. In April 1972, the Authority approved a petition for a 104 seat "McDonald" restaurant at this location. Subsequently, the Board of Appeal concurred with provisos that any changes to the premises be subject to design review and that all service be conducted within the structure. Petitioner now proposes to rebuild and redecorate the basement level as a dining area with accommodations for 97 persons. Recommend approval with existing Board of Appeal provisos requiring design review.

VOTED: That in connection with Petition No. Z-2709, brought by Lebow Realty Trust and McDonald's Corporation (Lessee), 58-60 Summer Street, Boston, for a conditional use to increase the seating capacity of a restaurant in a general business (B-10) district, the Boston Redevelopment Authority recommends approval with existing Board of Appeal provisos requiring design review by the Authority.

Z-2709
58-60 SUMMER ST.
(B.P.)



Board of Appeal Referrals 2/8/73

Hearing Date: 2/20/73

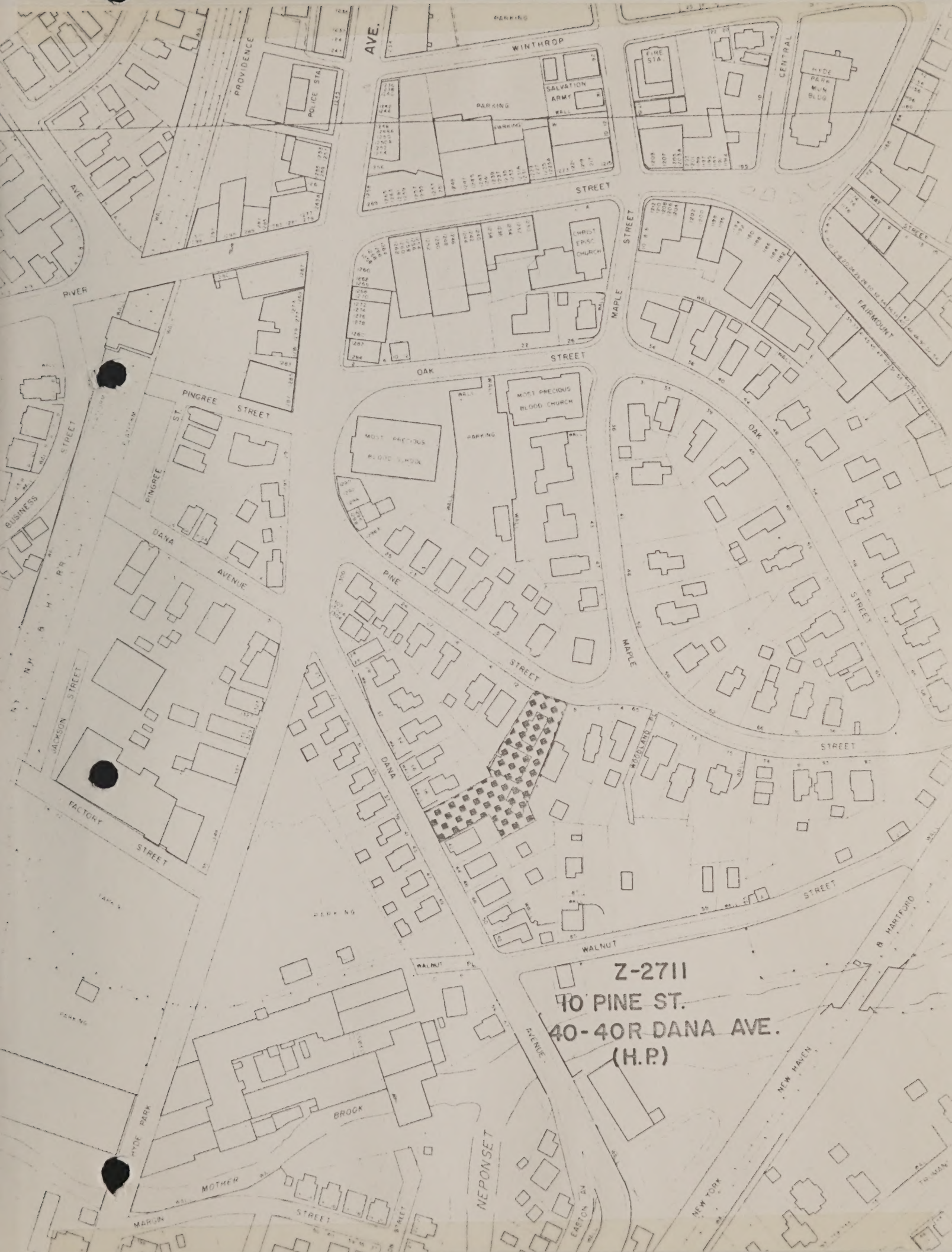
Petition No. Z-2711
Rudy Fleischhacker
10 Pine Street, 40 & 40(r)
Dana Avenue, Hyde Park

Petitioner seeks a forbidden use and eight variances to erect a three story and basement 38 unit apartment structure for the elderly in a residential (R-.5) district. The proposal violates the code as follows:

		<u>Req'd</u>	<u>Proposed</u>
Section 8-7.	A multi family dwelling is forbidden in an R-.8 district.		
Section 14-1.	Lot area is insufficient.	2 acres	25,053 sf
Section 14-2.	Lot area for additional dwelling unit is insufficient.	3000 sf	0
Section 14-3.	Lot width is insufficient.	200 ft.	70 ft.
Section 14-4.	Street frontage is insufficient.	200 ft.	56 ft.
Section 15-1.	Floor area ratio is excessive.	0.5	1.2
Section 16-1.	Height of building is excessive.	35 ft. 2½ stories	39 st. 3 stories
Section 17-1.	Open space is insufficient.	1000 sf/du	337 sf/du
Section 18-5.	Front yard is insufficient.	25 ft.	11 ft.

The property, located on Pine Street and Dana Avenue near the intersection of Hyde Park Avenue, contains three, two-story structures. Proposal includes construction of a three-story and basement garden type apartment structure. This development would be financed by MHFA. The site is within a quarter mile of the Cleary Square shopping center. Because of the narrowness of the lots, open space deficiency and relocation of tenants, the following provisos should be attached to approval: that all plans submitted to the Authority for design review and that relocation of all residents of existing buildings be made satisfactory to MHFA. Recommend approval with provisos:

VOTED: That in connection with Petition No. Z-2711, brought by Rudy Fleischhacker, 10 Pine Street & 40, 40(R) Dana Avenue, Hyde Park, for a forbidden use and eight variances to erect a three story and basement 38 unit apartment structure for the elderly in a residential (R-.5) district, the Boston Redevelopment Authority recommends approval with the following provisos: that all plans be submitted to the Authority for design review and that relocation of all residents of existing buildings be made satisfactory to MHFA.



Z-2711
TO PINE ST.
40-40R DANA AVE.
(H.P.)